

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW MEXICO**

AMENDED PETITION FOR REVOCATION OF SUPERVISED RELEASE

Name of Offender: Marco Holguin
Docket Number: 1084 1:15CR04274 -001JB
Assigned Judge: Honorable James O. Browning, United States District Judge
Date of Original Sentence: 2016-06-01
Original Offense: 21 U.S.C. 841(a)(1): Distribution of 50 Grams and More of a Mixture and Substance Containing Methamphetamine
Original Sentence: BOP: 60 Months; TSR:4 Years
Date Supervision Commenced: 04/16/2020
Date Supervision Expires: 04/15/2024
Other Court Action: 02/25/2020: A Request for Modifying the Conditions with the Consent of the Offender was filed. Modification included the RRC condition be removed to allow him to reside with his mother upon release from the BOP. The Court agreed.

04/15/2021: Report on Offender Under Supervision was filed after the offender provided a positive urine sample for opiates. The offender admitted to abusing heroin. This was his first positive urine sample. No court action recommended, and the Court agreed.

05/11/2021: A Petition for Revocation of Supervised Release with a summons was filed due to the offender altering/tampering with his urine sample. The offender admitted to abusing heroin and marijuana. On May 26, 2021, the Court approved a summons and initial court proceedings are set for June 24, 2021.

PETITIONING THE COURT

To issue a warrant.

U.S. Probation Officer of the Court, Karina L Villalobos, alleges the offender has violated the following condition(s) of supervised release.

<i>Violation Type</i>	<i>Nature of Noncompliance</i>
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SPC	You must submit to substance abuse testing to determine if you have used a prohibited substance. Testing may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, an alcohol monitoring technology program, and/or any form of prohibited substance screening or testing. You must not attempt to obstruct or tamper with the testing methods. You may be required to pay all, or a portion, of the costs of the testing.
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On May 09, 2021, the offender reported to The Evolution Group in Albuquerque, New Mexico, to provide a urine sample. The offender was reminded about the collection procedures however, disregarded the procedures and continued to submit a urine sample which was not emitted from his body. The incident report indicates the offender utilized a device to tamper with his specimen sample. The offender admitted to using a “whizzinator” with fake urine to submit his urine sample.

MC

You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

On May 11, 2021, the offender reported to the United States Probation Office and admitted to this officer he last abused heroin on Sunday May 9, 2021. Furthermore, he admitted to abusing Marijuana on Friday May 7, 2021 and Saturday May 8, 2021.

AMENDED
CONDITION

SPC

You must submit to substance abuse testing to determine if you have used a prohibited substance. Testing may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, an alcohol monitoring technology program, and/or any form of prohibited substance screening or testing. You must not attempt to obstruct or tamper with the testing methods. You may be required to pay all, or a portion, of the costs of the testing.

On May 27, 2021, the United States Probation Office received an incident report from The Evolution Group in Albuquerque, New Mexico, the treatment provider where the offender reports for substance abuse testing. According to the incident report, on May 26, 2021, the offender reported as required to provide a random urine sample. During the collection of his urine sample, the offender did not follow the collection procedures and kept his boxers raised. Staff observed the offender’s “penis” to be plastic and shiny indicating he was using a device and not his actual penis. The staff advised it was noticeable he had to squeeze his “penis” quite hard for the “urine” to be forced out. Staff allowed the offender to complete and submit his urine sample per their non-confrontation policy. It should also be noted the urine was cold to the touch.

The maximum statutory penalty: 3 years imprisonment; 5 years supervised release. Underlying offense is a Class B Felony.

The revocation range of imprisonment: 4 to 10 months. Criminal History Category II. Grade C Violation.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on 05/27/2021.

Submitted:

Approved:

☒ Phone Approval



Karina L. Villalobos
U.S. Probation Officer
Cell #: 505-508-9334

Jack E. Burkhead
Supervisory Assistant U.S. Attorney

Date: 05/27/2021